

Remarks

Claims 1,3, 4 and 11-35 are pending in the application. Support for the amendment to claim 1 appears in the specification at, e.g., page 8, lines 25-27. No new matter has been added.

Applicants request entry of the amendment after final under 37 CFR 1.116 because the amendment introduces into the specification's definition of "topical", which previously appeared in the claim and has therefore already been considered by the Examiner. Accordingly, the amendment does not present new issues requiring additional search or consideration and, in the alternative, presents the rejected claims in better form for consideration on appeal

Rejections under 35 USC 112, first paragraph

The Examiner has maintained the rejection of claims 1, 4, 11-15, 19-25 and 30-35 for overbreadth. The rejection is traversed to the extent it is applied to the claims as amended.

The apparent basis for the overbreadth rejection is the disagreement between the Examiner and Applicants about the interpretation of the term "topical". Claim 1 has been amended so that it no longer recites "topical" but instead requires that the formulation be administered to the site of inflammation. The specification teaches delivery to the site of inflammation at, e.g., page 12, line 27 to page 17, line 2. Sites of delivery include, e.g., oral, gastrointestinal, rectal, eye, and nose (see paragraph bridging pages 12 and 13 and paragraph bridging pages 14 and 15).

Also provided by the specification are examples of direct administration to the site of inflammation. Examples 1 and, on pages 18-19 illustrates delivery of rhIL-11 by enema or colonic irrigation, i.e., rectally, to decreased colonic mucosal lesions in HLA-B27 rats, which are a model for chronic inflammation. Example 2 on page 20-21 and Example 54 on pages 24-25

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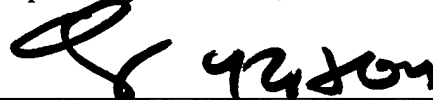
shows treatment of oral mucositis using IL-11. Example 5 illustrates treatment of psoriasis using IL-11.

Therefore, Applicants submit that the full breadth of the claimed invention can be practiced without undue experimentation. Reconsideration and withdrawal is requested of the rejection for overbreadth.

Applicants submit that application in condition for allowance, and such action is respectfully requested.

Should any questions or issues arise concerning the application, the Examiner is invited and encouraged to contact the undersigned at the telephone number provided below. The Commissioner is authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 22058-522 CON.

Respectfully submitted,



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